

IC 33-23-14

Chapter 14. Reentry Courts

IC 33-23-14-1

Establishment of a reentry court

Sec. 1. A court having felony, misdemeanor, or juvenile jurisdiction in a city or county may establish a reentry court under the court's operation.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-2

Rules and orders

Sec. 2. A court establishing a reentry court under this chapter may do the following:

- (1) Establish uniform rules.
- (2) Make special orders and rules as necessary.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-3

Personal jurisdiction

Sec. 3. (a) A reentry court established under this chapter and accompanying services are open only to individuals over whom the reentry court has jurisdiction.

(b) A reentry court has jurisdiction over an individual who:

- (1) resides in the county in which the reentry court is located; and
- (2) has been released from the custody of the department of correction:

- (A) on probation;
- (B) on parole;
- (C) as part of a community transition program under IC 11-10-11.5; or
- (D) to a community corrections program as part of a sentence reduction or sentence modification under IC 35-38-1-17.

(c) A reentry court having jurisdiction over an individual loses jurisdiction over the individual:

- (1) when the individual's participation in a community transition program ends, unless the individual is required to serve an additional period on probation, parole, or community corrections;
- (2) when the individual's period of probation, parole, or community corrections expires; or
- (3) if the individual's probation, parole, or community corrections placement is revoked and the individual is returned to the custody of the department of correction.

(d) A reentry court does not have jurisdiction over an individual who has been released from the department of correction after serving the individual's entire sentence.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-4

Services provided

Sec. 4. (a) A reentry court established under this chapter may provide a range of necessary reintegration services for eligible individuals, including the following:

- (1) Supervision.
- (2) Offender assessment.
- (3) Judicial involvement.
- (4) Case management and services.
- (5) Program evaluation.

(b) A reentry court that is authorized under section 5 of this chapter may also provide direct treatment and rehabilitation services, including the following:

- (1) Counseling.
- (2) Rehabilitative care.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-5

Direct treatment or rehabilitation; prerequisites

Sec. 5. A reentry court established under this chapter may not provide direct treatment or rehabilitation services unless:

- (1) the reentry court is certified by the division of mental health and addiction; and
- (2) the court that established the reentry court determines that existing community resources are inadequate to respond satisfactorily to the demand for the services from the court.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-6

Notification to the Indiana judicial center; planning; exceptions

Sec. 6. (a) Except as provided in subsection (c), a court shall notify the Indiana judicial center during the planning stages of the court's intention to establish a reentry court.

(b) Before a reentry court may begin operation, the court must obtain a written statement from the Indiana judicial center approving the operation of the reentry court.

(c) A reentry court in operation before July 1, 2006, may continue to operate pending certification if the reentry court does the following:

- (1) Before October 2, 2006, notifies the Indiana judicial center of the date the reentry court began operation.
- (2) Follows procedures for certification as provided in rules adopted under section 9(e) of this chapter, including submission of an application for certification as required by the rules.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-7

Petition for approval of a reentry court; contents

Sec. 7. In addition to satisfying the requirements of section 6 of this chapter, a court seeking to establish a reentry court must submit

a petition for approval of the reentry court. The petition must contain the following:

- (1) A full description of a proposed reentry court.
- (2) Evidence that the court has considered:
 - (A) how to best use community based services; and
 - (B) the role that community based services will play in the development and implementation of the reentry court.
- (3) A proposed budget for the reentry court.
- (4) Details on the implementation of the reentry court.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-8

Authority of reentry court

Sec. 8. A court may take steps necessary to carry out the functions of the reentry court, including hiring employees as needed to perform the required functions of the reentry court.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-9

"Board"

Sec. 9. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana under IC 33-38-9-4.

(b) As used in this section, "effective date" means the date established by the board after which minimum employment standards are required for a person employed by a reentry court.

(c) A reentry court established under this chapter is subject to the regulatory powers of the Indiana judicial center under IC 33-38-9-9.

(d) With regard to reentry courts established under this chapter, the Indiana judicial center may do the following:

- (1) Ensure that reentry courts comply with rules adopted under this section.
- (2) Certify reentry courts established under this chapter.
- (3) Revoke the certification of a reentry court upon a determination that the reentry court does not comply with rules adopted under this section.
- (4) Make agreements and contracts with:
 - (A) another department, authority, or agency of the state;
 - (B) another state;
 - (C) the federal government;
 - (D) a state supported or private university; or
 - (E) a public or private agency;

to implement this chapter.

(5) Require as a condition of operation that each reentry court created or funded under this chapter be certified according to rules established by the Indiana judicial center.

(6) Adopt rules to implement this chapter.

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of reentry courts.

(f) The board may adopt rules concerning educational and

occupational qualifications needed to be employed by a reentry court. However, a contract service provider must be licensed by the state or approved by the Indiana judicial center. If the board adopts qualifications under this subsection:

(1) the board shall establish an effective date after which a person employed by a reentry court must meet the qualifications adopted under this subsection; and

(2) the qualifications adopted under this subsection do not apply to a person who is employed:

(A) by a certified reentry court before the effective date; or

(B) as administrative personnel.

(g) The board may delegate any of the functions described in subsections (e) and (f) to a committee of the judicial conference of Indiana.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-10

Supplement to reentry court funds

Sec. 10. (a) The funds for a reentry court established under this chapter may, at the discretion of the fiscal body of the unit for which the reentry court is established, be supplemented out of the city general fund or the county general fund and may be further supplemented by payment from the user fee fund upon appropriation made under IC 33-37-8.

(b) Subject to the approval of the county fiscal body, the court shall fix the compensation of employees of the reentry court.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-11

Additional funding sources

Sec. 11. A reentry court may apply for and receive the following:

(1) Gifts, bequests, and donations from private sources.

(2) Grant and contract money from governmental sources, including:

(A) the department of correction;

(B) a community corrections program; and

(C) a community transition program.

(3) Other forms of financial assistance approved by the court to supplement the court's budget.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-12

Reentry court fees; collection and deposit

Sec. 12. (a) A court that establishes a reentry court under this chapter may require an eligible individual to pay a fee for reentry court services.

(b) If a fee is required, the court shall adopt by court rule a schedule of fees to be assessed for reentry court services.

(c) The fee for reentry court services may not exceed the reasonable expenses for direct services to an individual incurred in

providing reintegration services to an individual under the supervision of a reentry court. The fee for reentry court services may be assessed in installments.

(d) The clerk of the court shall collect fees under this section. The clerk shall transmit the fees within thirty (30) days after the fees are collected, for deposit by the county auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-13

Chemical tests; expenses

Sec. 13. (a) A reentry court established under this chapter may require an individual to:

- (1) undergo a chemical test or a series of chemical tests as specified by the court; and
- (2) submit to random employment and residence checks.

An individual who tests positive on a chemical test, or whose sample is determined to have been adulterated, is liable for the costs of the chemical test required under this section, regardless of whether the costs are paid to the court or the laboratory.

(b) A laboratory that performs a chemical test under this section shall report the results of each test to the court.

As added by P.L.60-2006, SEC.3.

IC 33-23-14-14

No right to participate; civil immunity

Sec. 14. (a) An individual does not have a right to participate in a reentry court under this chapter.

(b) The coordinator and members of the professional and administrative staff of a reentry court who perform duties in good faith under this chapter are immune from civil liability for:

- (1) acts or omissions in providing services under this chapter; and
- (2) the reasonable exercise of discretion in determining eligibility to participate in the reentry court.

As added by P.L.60-2006, SEC.3.